

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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DEEP SOUTH ASSOCIATES LLC,

Plaintiff,

-against-

HARBORBAY CONSTRUCTION INC.,

Defendant.

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**ORDER ADOPTING REPORT
AND RECOMMENDATION**
17-CV-3124 (DRH)(ARL)

Presently before the Court is the Report and Recommendation of Magistrate Judge Arlene R. Lindsay, dated October 29, 2018, recommending that the Court (1) grant plaintiff's motion to strike defendant's answer; (2) grant plaintiff's motion for a default judgment on liability; and (3) direct plaintiff to submit a supplemental memorandum and supporting affidavits in support of its claim for damages. More than fourteen (14) days have passed since service of the Report and Recommendation and no objections have been filed.

Pursuant to 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72, this Court has reviewed the Report and Recommendation for clear error, and finding none, now concurs in both its reasoning and its result. Accordingly, the Court adopts the October 29, 2018 Report and Recommendation of Judge Lindsay as if set forth herein. Accordingly,

IT IS HEREBY ORDERED THAT (1) the motion strike the answer of defendant is granted; (2) the motion for a default judgment is granted as to liability; and (3) plaintiff is directed to file a supplemental memorandum and affidavits in support of its claim for damages within thirty (30) days of the date of this Order.

SO ORDERED.

Dated: Central Islip, New York
November 28, 2018

s/ Denis R. Hurley
Denis R. Hurley
United States District Judge